

**DRAFT 10-29-13.3**

**WYOMING GAME AND FISH COMMISSION**

**CHAPTER 62**

**REGULATION FOR AQUATIC INVASIVE SPECIES**

**Section 1. Authority.** These regulations are promulgated by authority of W.S. §23-1-102, W.S. §23-4-201 through W.S. §23-4-205.

~~**Section 2. Regulation.** The Wyoming Game and Fish Commission (Commission) hereby adopts the following regulations governing Aquatic Invasive Species. This regulation shall remain in effect until modified or rescinded by the Commission.~~

~~**Section 3. Purpose.** The purpose of this regulation is to provide for the prevention, management, and control of aquatic invasive species.~~

**Section 42. Definitions.** ~~For the purpose of this regulation, definitions~~**Definitions** shall be as set forth in Title 23, Wyoming Statutes, **Commission regulations**, and the Commission also adopts the following definitions:

(a) “Aquatic invasive species” ~~means exotic or non-native aquatic organisms that have been determined by the Commission to pose a significant threat to the aquatic resources, water supplies, or water infrastructure of the state~~**is defined in W.S. §23-4-201(a)(i).** Aquatic invasive species include some species known to be present in Wyoming and species with a high potential to invade, survive and reproduce.

(i) Aquatic invasive species include:

- (A) All members of the genus *Dreissena*, including, but not limited to, zebra mussel *D. polymorpha* and quagga mussel *D. rostriformis*;
- (B) New Zealand mudsnail - *Potamopyrgus antipodarum*;
- (C) Asian clam - *Corbicula fluminea*;
- (D) Rusty crayfish - *Orconectes rusticus*;
- (E) Brook stickleback - *Culaea inconstans*;
- (F) All members of the genus *Hypophthalmichthys*, including, but not limited to, bighead carp *H. nobilis*, silver carp *H. molitrix*, and largescale silver carp *H. harmandi*;
- (G) Black carp - *Mylopharyngodon piceus*;
- (H) All members of the genera *Channa* and *Parachanna* in the family Channidae (snakeheads);
- (I) Hydrilla - *Hydrilla verticillata*;
- (J) Eurasian watermilfoil - *Myriophyllum spicatum*; and,
- (K) Curly pondweed – *Potamogeton crispus*.

(b) “Authorized inspector” means an authorized aquatic invasive species inspector who has a valid certification from an aquatic invasive species inspection training course that meets the requirements established by the Wyoming Game and Fish Department (Department) to certify inspectors for aquatic invasive species inspections and decontaminations.

(c) “Certified inspection location” means a location or an address where a Department authorized inspector may be available to conduct an inspection.

~~(d) “Conveyance” means a motor vehicle, boat, watercraft, raft, vessel, trailer, or any associated equipment or containers, including but not limited to live wells, ballast tanks, bilge areas, and water~~

~~hauling equipment that may contain or carry aquatic invasive species.~~

~~(e) “Decontaminate” means to wash, drain, dry, or chemically, thermally or otherwise treat a conveyance in order to remove or destroy aquatic invasive species.~~

~~(f) “Equipment” means an article, tool, implement, or device capable of containing or transporting water or aquatic invasive species.~~

~~(gd) “High risk infested water” means a water in any state or province known or suspected to contain Dreissenid mussels. A list of all high risk infested waters will be available on the Department website.~~

~~(h) “Inspect” means to examine a conveyance in order to determine whether an aquatic invasive species may be present, and includes examining and draining water in the conveyance.~~

~~(ie) “Interstate water” means Big Horn Lake downstream from the causeway (Highway 14A) in Bighorn County, Flaming Gorge Reservoir in Sweetwater County, and Palisades Reservoir and the Snake River (South Fork Snake River) between the Greys River in Lincoln County and the Heise Bridge crossing in Bonneville County, Idaho.~~

~~(jf) “Mandatory aquatic invasive species check station” means a location established by the Department at ports of entry, other department of transportation facilities located near the borders of this state that meet established state and national safety and commerce requirements for the traveling public or other appropriate facilities where stopping is mandatory and an authorized inspector may conduct an inspection.~~

~~(kg) “Seal” means a locking device affixed to a conveyance that has been inspected or decontaminated.~~

~~(lh) “Valid seal receipt” means a written document issued by an authorized inspector in conjunction with a seal that contains a number matching the number on the seal and information regarding the conveyance.~~

~~(mi) “Watercraft” for the purpose of this regulation means any contrivance used or designed primarily for navigation on the water that is designed to be propelled by paddles, oars, sails or motors, except for sailboards, float tubes, kite boards or any aid to swimming or fishing that is not designed primarily for navigation. Amphibious vehicles designed for travel over land and water with propeller or jet propulsion systems shall be considered watercraft for the purpose of this regulation is defined in Chapter 22, Watercraft Regulation.~~

~~(nj) “Water of the state” means all waters under the jurisdiction of the state of Wyoming.~~

### **Section 53. Inspection.**

(a) Compliance with aquatic invasive species inspection requirements is an express condition of allowing a conveyance to contact or enter any water of the state.

(i) Any person who refuses to permit inspection of their conveyance or refuses to complete any required removal and disposal of aquatic invasive species shall be prohibited from allowing the conveyance to contact or enter any water of the state.

(ii) If a person refuses to allow inspection of a conveyance or to complete any required removal and disposal of aquatic invasive species prior to departure from any water of the state known to contain an aquatic invasive species, the conveyance is subject to impoundment until an aquatic invasive

species inspection and decontamination is completed.

(b) Authorized inspectors may inspect any conveyance. Authorized inspectors shall perform decontaminations at the direction of a peace officer or with the voluntary consent of the person transporting the conveyance.

(c) Inspections shall be conducted by:

- (i) any peace officer; or,
- (ii) any authorized inspector.

(d) Inspections shall be conducted in accordance with Department procedures at:

- (i) a mandatory aquatic invasive species check station; or,
- (ii) a certified inspection location; or,
- (iii) another location where an authorized inspector is available to conduct an inspection.

(e) Any person transporting a conveyance that within the past thirty (30) days HAS BEEN in contact with a high risk infested water in any state or province, shall have the conveyance inspected by an authorized inspector prior to contacting or entering any water of the state.

(f) Any person transporting a conveyance into the state by land from March 1 through November 30, that HAS NOT BEEN in contact with a high risk infested water within the past thirty (30) days, shall have the conveyance inspected by an authorized inspector prior to contacting or entering any water of the state, unless exempted by (i) below.

(i) Any person transporting a watercraft who did not encounter a mandatory aquatic invasive species check station prior to reaching a water of the state may launch without inspection if the watercraft bears a properly affixed seal applied by an authorized inspector and is accompanied by a valid seal receipt during transit. The person transporting the watercraft may remove the seal immediately prior to launching on the destination water and must retain the seal and valid seal receipt while on the water.

(g) Any person transporting a conveyance into the state by land from December 1 through the last day of February that has not been in contact with a high risk infested water within the past thirty (30) days and did not encounter a mandatory aquatic invasive species check station prior to reaching a water of the state, is exempted from mandatory inspection.

(h) All conveyances are subject to inspection in accordance with Department procedures upon encountering a mandatory aquatic invasive species check station.

(i) Authorized inspectors shall determine if there is reason to believe that aquatic invasive species are present by interviewing the person transporting the conveyance or using visual and tactile inspection methods. As part of all inspections, all compartments, equipment, and containers that may hold water, including, but not limited to, live wells, ballast and bilge areas shall be completely drained as directed by authorized inspectors.

(j) A conveyance suspected to contain an aquatic invasive species shall be decontaminated using Department approved procedures before said conveyance shall be allowed to contact or enter any water of the state.

(k) Any person operating a conveyance may be ordered to remove the conveyance from any water of the state or any conveyance staging area by any peace officer if there is reason to believe the

conveyance may contain aquatic invasive species or was not properly inspected prior to contacting or entering the water. Once removed from the water, the conveyance shall be subject to inspection and decontamination for the removal and disposal of aquatic invasive species.

(l) Any authorized inspector who, through the course of an inspection, determines that aquatic invasive species are present shall document the inspection, including but not limited to the type and number of aquatic invasive species suspected or detected and identification of the conveyance, including license plate numbers and watercraft registration number, if available. The authorized inspector shall advise the operator that the conveyance shall be required to be decontaminated according to Department procedures as soon as possible. Only peace officers have the authority to order decontamination, impoundment, or quarantine of a conveyance.

(m) Once a conveyance is inspected or decontaminated, a seal may be affixed to the conveyance by a peace officer or authorized inspector. A copy of the completed valid seal receipt shall accompany all seals. Seals shall be affixed to a conveyance in accordance with Department procedures. A seal, once properly affixed to a conveyance and when accompanied by the valid seal receipt, certifies a proper inspection or decontamination procedure. The person transporting a conveyance sealed by an authorized inspector may remove the seal at their discretion. The Department may recognize a properly affixed seal applied by an authorized inspector from a state or province with a Department approved aquatic invasive species program if the seal is accompanied by a valid seal receipt. It shall be a violation of this regulation for any person to attempt to reattach any seal once it is removed from a conveyance.

#### **Section 64. Decontamination.**

(a) The Department shall only recognize decontamination methods described in this Section as proper Department procedures. All decontaminations shall be completed following all applicable laws, disposal methods, recommended safety precautions, safety equipment, and Department approved procedures.

(b) Decontamination shall be achieved by removal of the conveyance from any water body and eliminating the water from all compartments, equipment, and containers that may hold water, including but not limited to live wells, ballast tanks and bilges for a length of time as determined by the Department not to exceed thirty (30) days.

(c) If decontamination is not achieved by removal of the conveyance from any water body for at least thirty (30) days, the following requirements apply:

(i) Decontamination of water compartments, equipment or containers in a conveyance to address the potential presence of an aquatic invasive species shall be accomplished by rinsing and flushing with water of at least 120 degrees Fahrenheit.

(ii) Decontamination of the exterior of a conveyance shall be accomplished by removing or destroying all aquatic invasive species, mud, plants, and organisms. The entire exterior of the conveyance and all intakes shall be thoroughly washed with water of at least 140 degrees Fahrenheit. A high pressure (minimum of 2500 psi) water wash or scrubbing will be used as necessary.

(iii) All compartments, equipment and containers that hold water including, but not limited to live wells, ballast and bilge areas, shall be flushed with water of at least 120 degrees Fahrenheit but not at high pressure. If a bilge pump is present, it shall be operated until the bilge appears to be empty. The lower unit of the engine shall be thoroughly flushed with water of at least 140 degrees Fahrenheit.

(iv) After decontamination an authorized inspector or peace officer shall re-inspect the conveyance to ensure complete decontamination has occurred prior to the release of the conveyance.

(v) Proof of decontamination shall consist of a properly affixed seal and valid seal receipt or a copy of the Department decontamination form if no seal was applied.

#### **Section 75. Impoundment and Quarantine.**

(a) ~~All conveyances are subject to impoundment and quarantine by a peace officer if:~~ **A peace officer may impound and quarantine a conveyance as provided in W.S. §23-4-203.**

~~(i) the person transporting the conveyance refuses to allow an inspection of the conveyance to be conducted by an authorized inspector or peace officer;~~

~~(ii) a peace officer or an authorized inspector finds that an aquatic invasive species is present after conducting an inspection;~~

~~(iii) the person transporting the conveyance refuses to allow a decontamination of the conveyance when decontamination is ordered by a peace officer; or,~~

~~(iv) a peace officer determines a quarantine is necessary following decontamination.~~

(b) If the person in charge of the conveyance is not the registered owner, the registered owner shall be notified by mail, return receipt requested, within ten days of the location of the impounded conveyance. Such notification shall also include contact information for the peace officer ordering the impoundment. If the registered owner is present when the conveyance is ordered impounded, then the same information shall be provided to the registered owner at the time the impound order is issued.

(c) All impounded conveyances shall be held at the risk and expense of the owner. A conveyance held under impound for non-compliance with this regulation shall only be released after a peace officer is satisfied by inspection or quarantine that the conveyance is no longer a threat to the aquatic resources, water supplies, and water infrastructure of the state.

(d) Duration of conveyance quarantine shall be determined by the Department, shall be sufficient to allow decontamination, and shall not exceed thirty (30) days.

(e) An impounded conveyance shall not be released until a Department impound release form is signed and executed by a peace officer. It is the responsibility of the owner to coordinate with the Department for the release of the conveyance.

## **Section 86. Mandatory Reporting of Aquatic Invasive Species.**

(a) Identification of an aquatic invasive species through sampling and monitoring procedures at a location where that species has not been known to exist shall be reported immediately to the Department.

(b) Any person who knows that an unreported aquatic invasive species is present at a specific location in Wyoming shall report the aquatic invasive species presence within forty-eight (48) hours to the Commission, the Department, or any peace officer. An aquatic invasive species report shall include the date and time of the detection of the aquatic invasive species, the exact location of sighting (water body and specific location on the water body), the suspected species, and the name and contact information of the reporter. Samples collected of suspected aquatic invasive species shall be submitted to the Department within forty-eight (48) hours.

## **Section 97. Aquatic Invasive Species Check Stations.**

~~(a) All persons transporting a conveyance shall stop at mandatory aquatic invasive species check stations that are established on their route of travel.~~

~~(ba)~~ All mandatory aquatic invasive species check stations shall be signed.

~~(eb)~~ Check stations shall be operated in accordance with Department procedures.

~~(ec)~~ Lists of mandatory aquatic invasive species check stations and certified inspection locations shall be provided on the Department website.

## **Section 108. Aquatic Invasive Species Program Decal.**

(a) An aquatic invasive species program fee may be assessed as part of the Department's motorized watercraft registration fee. A current, properly affixed motorized watercraft registration decal shall be proof of payment of this fee.

(b) All owners or operators of motorized watercraft registered outside of Wyoming, any owners or operators of Wyoming registered watercraft that have not paid the aquatic invasive species program fee as part of their watercraft registration fee and all owners or operators of non-motorized watercraft shall purchase and display an Aquatic Invasive Species Program Decal valid for the current calendar year on their watercraft prior to contacting or entering any water of the state. For the purpose of this Section, all non-motorized inflatable watercraft ten (10) feet in length or less are exempt from this decal provision.

(c) Aquatic Invasive Species Program Decals shall not be limited in number and shall be sold through the Electronic Licensing System (ELS), designated license selling agents, and authorized personnel. The price of the decal shall be ten dollars (\$10) for motorized watercraft registered in Wyoming and thirty dollars (\$30) for motorized watercraft registered outside of Wyoming. The price of the decal shall be five dollars (\$5) for non-motorized watercraft owned by a Wyoming resident and fifteen dollars (\$15) for non-motorized watercraft owned by a nonresident.

(i) Owners or operators of motorized watercraft required to purchase an Aquatic Invasive Species Program Decal shall display the decal on the starboard (right) side of the bow six (6) inches left of and directly in line with the watercraft registration decal. Non-motorized watercraft owners or operators shall display the decal on the bow in such a manner that the decal shall be visible when the watercraft is underway. Only the Aquatic Invasive Species Program Decal which is currently valid shall be displayed.

(ii) In the case of rental watercraft, it shall be the responsibility of the rental watercraft owner to ensure that a valid Aquatic Invasive Species Program Decal is properly displayed on the watercraft.

**~~Section 11. Violation of Commission Regulations.~~** Failure to abide by the provisions this regulation shall be punishable as provided by Wyoming statutes for violation of Commission regulations.

**~~Section 12. Savings Clause.~~** If any provision of this regulation shall be held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation are severable.

WYOMING GAME AND FISH COMMISSION

By: \_\_\_\_\_  
Aaron Clark Mike Healy, President

Dated: ~~November 15, 2012~~ January 22, 2014